

# RETURN

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TO AN ORDER OF THE HOUSE OF COMMONS, dated February 27, 1911, showing all statutes, regulations, reports and proceedings in the Courts of the United States or in the Courts of any of the respective States, and all other documents, papers and information of every kind touching or concerning the methods and operations of the meat trusts and other trusts and combines in the United States and touching the results both to the producer and to the combines of such methods and operations, including all departmental proceedings and reports and other proceedings and reports of the Government of the United States or of any department thereof with respect to the matters aforesaid, and in general all available information in respect to the operations of such trusts and combines in the United States.

W. J. ROCHE,  
*Secretary of State.*

OTTAWA, January 9, 1912.

OTTAWA, December 20, 1911.

SIR,—With reference to your communications of February 27 and November 25, respectively, relating to an Order of the House of Commons, dated February 27, 1911, as enclosed, I have now the honour to forward the information required, in so far as it appears practicable to obtain the same.

You will observe on the four closing pages of the typewritten document accompanying this present letter, a list of 'Reports, papers, documents, &c., accompanying present return.' These various documents, which include many large and bulky volumes, are held in this department, pending your instructions as to their disposition.

I have the honour to be, sir,  
Your obedient servant,

F. A. ACLAND,  
*Deputy Minister of Labour.*

The Under Secretary of State,  
Department of the Secretary of State,  
Ottawa, Ont.



**RETURN COMPRISING PAPERS AND INFORMATION OBTAINABLE CONCERNING THE MEAT AND OTHER TRUSTS AND COMBINES IN THE UNITED STATES, AS PREPARED IN THE DEPARTMENT OF LABOUR.**

**CONTENTS.**

Order of the House of Commons of February 27, 1911.

Terms of Communication addressed by the Deputy Minister of Labour to Federal and State authorities in the United States, relative to the foregoing Order.

Memorandum of Replies received to the foregoing.

Text of Replies received from various State authorities.

Bibliography *re* Trusts, Combines, &c., in the United States.

List of volumes containing text of State Anti-Trust Laws and Proceedings thereunder.

Volumes, reports, &c., accompanying present Return:—

Text of Federal Anti-Trust Law of the United States, and reports of proceedings and decisions thereunder.

Reports of the Commissioner of Corporations of the United States relative to alleged Trusts, Combines, &c.

Report of the United States Industrial Commission, Volumes I and XIII.

Report of the Attorney General of the United States, 1910.

BY MR. MEIGHEN.—Order of the House for a Return showing all statutes, regulations, reports and proceedings in the courts of the United States or in the courts of any of the respective States, and all other documents, papers and information of every kind touching or concerning the methods and operations of the meat trust and other trusts and combines in the United States, and touching the results both to the producer and to the consumer of such methods and operations, including all departmental proceedings and reports and other proceedings and reports of the Government of the United States or of any department thereof with respect to the matters aforesaid, and in general all available information in respect to the operations of such trusts and combines in the United States.

DEPARTMENT OF LABOUR, CANADA,  
OTTAWA, March —, 1911.

SIR,—I have the honour to inform you that an Order of the House of Commons of Canada has been issued on February 27 for a Return, in the following terms:

‘Order of the House—For a Return showing all statutes, regulations, reports and proceedings in the courts of the United States or in the courts of any of the respective States, and all other documents, papers and information of every kind touching or concerning the methods and operations of the meat trust and other trusts and combines in the United States, and touching the results both to the producer and to the consumer of such methods and operations, including all departmental proceedings and reports and other proceedings and reports of the Government of the United States or of any department thereof with respect to the matters aforesaid, and in general all available information in respect to the operations of such trusts and combines in the United States.’

In connection therewith the Honourable the Minister of Labour has thought that it may be possible to obtain through you some portion of the information desired,



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in so far as the same relates to the State of ————, or that you may be in a position to offer a suggestion as to how this department may best procure any available information in relation thereto.

As the Minister of Labour is himself charged with the administration of a statute of the last session of the Dominion Parliament to provide for the investigation of combines, monopolies, trusts and mergers, (c. 9 of 9-10 Edward VII), it is desirable, as far as possible, to obtain duplicate copies of all statutes, reports, proceedings, etc., above referred to, in order that the same may be retained in the Department of Labour for purposes of reference. The Minister of Labour will greatly appreciate any attention which you may give to this matter and any information or suggestions which you may furnish in connection therewith.

In case the terms of the Combines Investigation Act of Canada may be of interest to you, two copies of the same are herewith enclosed. A copy of the March, 1911, number of the *Labour Gazette* is being forwarded under separate cover, in which appears the text of the first Order for the establishment of a Board of Investigation which has been made under the above mentioned statute. The Order in question provides for an inquiry into the existence of an alleged combine in respect of the manufacture and sale of shoemaking machinery, the United Shoe Machinery Company of Canada and various manufacturers of boots and shoes in this country being named in the Judge's Order as being concerned in the said combine.

I have the honour to be, sir,

Your obedient servant,

(Signed.) F. A. ACLAND,  
*Deputy Minister of Labour.*

The Attorney-General of the State of.....

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## MEMORANDUM.

On being advised of the adoption of the Order of the House of Commons in this matter on February 27 last, letters in the terms hereto attached were addressed from the Department of Labour to the Attorneys-General of the various States of the American Union, asking for the information desired. As a result replies were received from twenty-four (24) States, in the terms hereto attached. No replies were received from the following States:

Connecticut, Arkansas, Delaware, Wyoming, Tennessee, Alabama, Georgia, Rhode Island, Indiana, Missouri, Nevada, Maryland, Kentucky, Mississippi, Louisiana, New Hampshire, Iowa, New Jersey, Nebraska, North Carolina, South Dakota, Michigan.

STATE OF OREGON BUREAU OF LABOUR,  
SALEM, April 6, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

MY DEAR SIR,—Your letter addressed to the Attorney General of the State of Oregon, has been referred to this office, and in response will state that as soon as my last biennial report, now in the hands of the printer, is ready for distribution, a copy will be forwarded to you.

Your very respectfully,

(Signed) O. P. HOFF,  
*Commissioner.*



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STATE OF OREGON LEGAL DEPARTMENT,  
SALEM, April 5, 1911.Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—I have handed your of the 30th ultimo to Hon. O. P. Hoff, Labour Commissioner of this state, with the request that he furnish you the information desired, and you will, no doubt, hear from him in due course.

If I can be of any further service, command me.

Very respectfully yours,  
(Signed) A. M. CRAWFORD,  
*Attorney General.*

LIBRARY OF CONGRESS,  
WASHINGTON, OFFICE OF THE LIBRARIAN, April 8, 1911.

SIR,—On receipt of your letter dated March 31, 1911, referring to trusts in the United States, a copy of the Library of Congress, 'List of books (with references to periodicals) relating to Trusts, 1907,' was sent to your address. On pages 13-15 and 44-45 you will find lists of United States Government publications on this subject. All of these have been supplied to the Library of Parliament through international exchange and may be consulted there. None of this material is now at the disposal of the Library of Congress. We can, however, supply two publications which may be of service to you, namely:—

Civil and Criminal cases instituted under the Sherman Anti-trust Law, 1908.  
Federal Anti-trust Decisions, 1890-1906 (2 vols.).

A copy of each of these documents is sent to you to-day under separate cover.

The Bureau of Corporations has, since its establishment, been engaged in investigations of various trusts and if you will communicate directly with the Commissioner of Corporations, Department of Commerce and Labour, Washington, D.C., it is probable that he can furnish a set of the publications of that bureau. This includes a special report on the beef industry.

The Attorney-General of the United States institutes cases for the United States under the Sherman Anti-trust law of 1890, and may be able to supply copies of the printed briefs prepared in the trust cases recently argued before the Supreme Court. The text of the Sherman Act, issued separately, may be obtained from the same source.

The United States Supreme Court reports are not published by the Government but by the Banks Law Publishing Company, 21 Murray street, New York city, and are sold at \$2 a volume. It is probable, however, that these volumes are available in the Library of Parliament.

Volumes 1, 2, 13, 18 and 19 of the reports of the Industrial Commission, which contain material relating to trusts, are not now at the disposal of any bureau or department for free distribution. They can only be obtained by purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C., at the following prices: Vol. 1, \$1; vol. 2, 50 cents; vol. 13, \$1; vol. 18, 30 cents; vol. 19, \$1 (all bound in cloth). In the set supplied to the Library of Parliament, these appear as volumes of the Congressional Documents, namely: 56th Congress, 1st session, House Documents, vols. 93 and 94; 57th Congress, 1st session, House Documents, vols. 76, 81 and 82 (Serial Nos. 3990, 3991, 4343, 4348 and 4349).

Very respectfully,  
(Signed) HERBERT PUTNAM,

The Honourable  
Deputy Minister of Labour,  
Ottawa, Canada.

*Librarian of Congress.*



SESSIONAL PAPER No. 61

DEPARTMENT OF JUSTICE,  
WASHINGTON, June 1, 1911.Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

SIR,—Pursuant to your request of the 17th ultimo, I have the honour to send you herewith, for the use of the Honourable the Minister of Labour, two copies of the decision of the Supreme Court of the United States in the case against the American Tobacco Company.

Very respectfully yours,  
For the Attorney General,  
(Signed) J. A. FOWLER,  
*Assistant to the Attorney General.*

DEPARTMENT OF JUSTICE,  
WASHINGTON, May 29, 1911.Hon F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

SIR,—On May 19, 1911, this department had the pleasure of forwarding you, in response to your request of May 19, copies of the opinion recently handed down by the Supreme Court of the United States in the case against the Standard Oil Company, which you stated the Honourable the Minister of Labour desired for presentation to the Parliament of Canada.

The department has just received copies of the dissenting opinion of Justice Harlan of the United States Supreme Court in the same case, and I have the honour to enclose herewith two copies of this opinion, which may be of interest to the Honourable the Minister of Labour in connection with the first above-mentioned opinion,

Very respectfully yours,  
For the Attorney General,  
(Signed) W. R. HARR,  
*Assistant Attorney General.*

DEPARTMENT OF JUSTICE,  
WASHINGTON, March 10, 1911.Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

SIR,—Replying further to your letter of the 4th instant, I have the honour to send you under separate cover various briefs and petitions in equity and indictments which have been prepared under our Sherman Anti-Trust Act, and which may be of interest to you.

The report of the Attorney General for the year 1910 is also being sent you, and your attention is directed to pages 1 to 6, which contain a list of the important pending cases under this law. Since the date of this report, the following suits have been instituted:—

United States *v.* Standard Sanitary Manufacturing Company, *et al.* Criminal suit.

United States *v.* Hamburg-Amerikanische Packet-Fahrt-Actien-Gesellschaft, *et al.*



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United States *v.* American Sugar Refining Co., *et al.*United States *v.* General Electric Co., *et al.*

The Government papers in these four cases are being sent to you.

I am also sending you two volumes of decisions under this Act. Since these volumes were printed, however, a large number of cases have been decided.

A list of the material which is being sent you is attached hereto.

Respectfully,

For the Attorney General,

(Signed) WM. S. KENYON,

*Assistant to the Attorney General.*

March 10, 1911.

1. The Sherman Anti-Trust Law, with Amendments, &c. Published January 1, 1906.
2. Federal Anti-Trust Decisions, vols. 1 and 11.
3. Report of the Attorney General, 1910.
4. Printed list of civil and criminal cases instituted by the United States under the Sherman Anti-Trust Law of July 2, 1890, and the Act to regulate Commerce, &c. Published October 1, 1908.
5. Brief for the United States, in two volumes, in the Standard Oil case.
6. Copy of petition in the Tobacco case.
7. Petition in U.S. *v.* The Reading Co., *et al.*
8. Petition in U.S. *v.* The Union Pacific Railroad Co., *et al.*
9. Petition in U.S. *v.* Standard Sanitary Manufacturing Co., *et al.* (so-called bath tub trust).
10. Indictments in U.S. *v.* Standard Sanitary Manufacturing Co., *et al.*  
(The defendants in the latter two cases are the same. The indictments were founded on the evidence obtained in the civil suit.)
11. Indictment in U.S. *v.* Patten, *et al.* Cotton Pool case.
12. Petition in U.S. *v.* National Packing Co., *et al.*
13. Indictments in U.S. *v.* Louis F. Swift, *et al.* Beef Trust.
14. Indictments in U.S. *v.* John Reardon & Sons Co., &c., Ferdinand Sulzberger and Horatio W. Heath; and Horatio W. Heath and Cyrus S. Hapgood.  
These indictments relate to the rendering part of the beef business.
15. Petition in U.S. *v.* Great Lakes Towing Co., *et al.*
16. Brief for the Government in U.S. *v.* E.I. du Pont de Nemours & Co., *et al.*, 2 vols. Powder Trust.
17. Petition in U.S. *v.* American Sugar Refining Co., and others. Sugar Trust.
18. Petition in U.S. *v.* Hamburg-Amerikanische Packet-Fahrt-Actien-Gesellschaft, *et al.*
19. Petition in U.S. *v.* General Electric Company, *et al.* Electrical Trust.
20. Special Message of the President of the United States, transmitted to Congress January 7, 1910, relating to Interstate Commerce and Anti-Trust Laws.

DEPARTMENT OF JUSTICE,

OFFICE OF THE ATTORNEY GENERAL,

WASHINGTON, D.C., March 8, 1911.

Hon. F. A. ACLAND,

Deputy Minister of Labour,  
Ottawa, Canada.

SIR,—I have the honour to acknowledge receipt of your favour of 4th instant, with its enclosures, and to advise you that I will take great pleasure in collecting, for



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transmission to you, such information as may be at the disposal of this department which is of such character that it can be furnished to you.

I have the honour to be, sir,

Your obedient servant,

(Signed) GEO. W. WICKERSHAM,  
*Attorney General.*

DEPARTMENT OF COMMERCE AND LABOUR,

BUREAU OF CORPORATIONS,

WASHINGTON, April 3, 1911.

DEAR SIR,—Your letter of the 31st ultimo was received, stating that you would like to obtain copies of volume 1 and volume 13 of the Report of the Industrial Commission of 1910.

I regret to say that this Commission having gone out of existence, the report is somewhat difficult to obtain, and, if gotten at all, must be purchased. I believe that the best method is for you to write direct to the Superintendent of Documents, Government Printing Office, Washington, D.C., and ask him if he has these volumes, and what their price is. I learn informally to-day that he probably has these two volumes for sale, and I would be glad to get them for you myself, but considerable delay and formality will be avoided if you write direct to the Superintendent of Documents for them.

Very respectfully,

(Signed) HERBERT KNOX SMITH,  
*Commissioner.*

Hon. F. A. ACLAND,

Deputy Minister of Labour,

Ottawa, Canada.

DEPARTMENT OF COMMERCE AND LABOUR,

BUREAU OF CORPORATIONS,

WASHINGTON, March 23, 1911.

DEAR SIR,—Allow me to acknowledge receipt of your letter of the 4th instant, requesting information in regard to 'the methods and operations of the meat trust and other trust and combines in the United States.'

I am sending you under separate cover one copy each of all the reports published by this Bureau relating to the said subject-matter, as follows:—

Report on the Beef Industry.

Report on the Transportation of Petroleum.

Report on the Petroleum Industry, Parts I and II.

Report on the Tobacco Industry, Part 1.

Summary of the Report on the Lumber Industry, Part 1. (The full body of this report has not yet been completed for distribution, but if you desire I should be glad to put your name on the mailing list to receive a copy of it as soon as it is ready.)

Statement of the Commissioner regarding certain allegations of the Standard Oil Company.

Pamphlet containing, on pages 32-35, copies of the so-called Sherman Anti-Trust Law and of the anti-trust section of the so-called 'Wilson Tariff Act', and also (p. 37) copy of the Act creating the Bureau of Corporations. (You will also notice throughout this compilation certain other minor legislation on this subject in addition to the 'Act to Regulate Commerce', which covers pages 3 to 31, and simply applies to railroads, and furthermore has been very materially amended since this publication was made).



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Annual Reports of the Commissioner of Corporations 1904 to 1910. (These reports give very briefly a useful survey of the corporate and trust problems).

Other sources of information, not in this Bureau, may be suggested as follows:

The Department of Justice has published two large volumes of 'Federal Anti-Trust Decisions,' which is perhaps the most comprehensive collection of these decisions obtainable. I am not sure whether these are for public distribution or not, but I would suggest that you make application to the Attorney General, Washington, D.C., where they can be obtained if anywhere.

Senate Document No. 78, 61st Congress, 1st Session: Prices of Tobacco. This document was not printed by this Bureau, although the material was all furnished by the Bureau. I happen, however, to have a few extra copies, and send one under separate cover.

I would also suggest that you request the Attorney General at Washington to furnish you with the pleadings, briefs, opinions, and (if available) the record of evidence in the two most recent important cases, already tried in the lower courts and pending now in the Supreme Court, under the Sherman Law, to wit, *United States v. Standard Oil Company* and *United States v. American Tobacco Company*. The record of evidence in these two cases, especially in the Standard Oil case, is very voluminous, and if you can secure a copy of the Government briefs, where that evidence is summed up at considerable length, my opinion is that it would serve your purpose fully as well if not better than the complete record of the evidence. My recollection is that the evidence in the Standard Oil case covered some ten thousand pages.

As to information in regard to the proceedings and statutes of the various States, I regret to say that I am unable to serve you here, except to suggest that you apply to the secretaries of states of such respective states as may particularly occur to you. So far as the State anti-trust statutes are concerned, those could be gotten from any convenient law library where the statutes of the various States of the United States are kept up to date. In fact, the majority of State anti-trust legislation is now at least eight or ten years old, so that the collection would not have to be up to date in order to furnish most of this legislation.

I particularly suggest, however, that application be made to the Secretaries of state of the States of Texas, Missouri, and Kentucky, where certain important anti-trust prosecutions have been carried on, notably in relation to the Standard Oil Company and the International Harvester Company. Possibly copies of these proceedings could be obtained from the respective secretaries of these States. The proper address would be: Secretary of State, Jefferson City, Mo.; Frankfort, Ky.; and Austin, Tex.

As to the reports of this Bureau which I have already referred to, allow me to suggest that, while they appear very voluminous, an excellent idea can be readily gotten of their contents by reading the 'Letter of Submittal' that appears at the beginning of each report, covering usually five to ten pages, which letter is intended to give the important facts and conclusions of the entire volume.

If on receipt of this letter any further line occurs to you wherein I may be of service, I shall regard it as a favour if you will advise me of it.

Let me also thank you for your courtesy in enclosing the three copies of the so-called 'Combines Act of Canada,' which I am glad to have. I was also interested to learn the facts as to the establishment of the first Board of Investigation in connection with the United Shoe Machinery Company of Canada.

I have the honour to be,

Very respectfully,

(Signed) HERBERT KNOX SMITH,

*Commissioner.*

Hon. F. A. ACLAND,

Deputy Minister of Labour,

Ottawa, Canada,



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STATE OF SOUTH CAROLINA,  
ATTORNEY GENERAL'S OFFICE,  
COLUMBIA, April 22, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—Your communication of the 22nd ult., is at hand, and in compliance with the request contained therein I am sending under separate cover a volume containing an Act to prohibit pools, trusts, monopolies, and conspiracies to control business, the prices of articles, etc., which will be found on page 1057. On page 1061 you will find an Act providing a procedure to enable the Attorney General to secure testimony in relation to the violation of the Act above referred to. You will also find enclosed a copy of a special report to the General Assembly in the case of the State of South Carolina *v. Southern Railway, et al.*

Two copies of the Act to provide for the investigation of the combines, monopolies, trusts, and mergers were duly received, for which please accept my thanks.

I shall be pleased to give you any further information in my possession on the subject that you may desire.

Yours very truly,  
(Signed) J. FRASER LYON,  
*Attorney General.*

DEPARTMENT OF STATE,  
STATE OF TEXAS,  
AUSTIN, June 10, 1911.

Mr. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—Complying with your request of some days ago, I enclose you under separate cover pamphlet copy of the anti-trust laws of this State.

Yours very truly,  
(Signed) C. C. McDONALD,  
*Secretary of State.*

THOMAS NELSON & SONS,  
381-385 FOURTH AVENUE (CORNER 27TH STREET),  
NEW YORK, April 10, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—We are sending you, under separate cover, as requested, a bibliography of 'Trusts and Combines in the United States.' The government report, &c., can be obtained on application to the proper department (as noted in our bibliography) at Washington, D.C.

We shall be obliged if you will acknowledge receipt of this matter.

Very truly yours,

THOMAS NELSON & SONS.  
A. B. H.



(Copy.)

STATE OF OHIO,  
OFFICE OF THE ATTORNEY GENERAL,  
COLUMBUS, OHIO, March 23, 1911.

Hon F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—I beg to acknowledge receipt of your letter of March 20, in which you quote an order of the House of Commons of Canada requiring the Minister of Labour to submit certain information touching and concerning the methods and operations of the meat trust and other trusts and combines in the United States and stating in connection therewith, that the Honourable the Minister of Labour desires that I furnish such portion of the information desired as relates to the State of Ohio, or offer a suggestion as to how the Department of Labour may secure available information in relation thereto.

I am unable to furnish any information as to the methods and operations of the meat trust, so called, of this State. A legislative investigation of the prices of food-stuffs was conducted about a year ago and a report made to the General Assembly. I do not know that this report is published separately, but if it is, you may obtain a copy of it by applying to the State Librarian, Columbus, Ohio.

So far as the methods and operations of other trusts or combines, so called, are concerned I feel unable to give you in succinct and intelligible form any general ideas on the subject. If the information desired relates to the form of business organization which has been adopted in individual cases I can only say that it varies from holding companies on the one hand to out and out purchases of plans and tangible assets on the other. Many questions of law under the statute and common law are presented by the various forms of corporate organization which have been adopted, and most of these questions are as yet unsettled in this State. I may refer you, however, to the following cases:—

Standard Oil Company <i>vs.</i> State.. . . .	49	0.	S.	137
Salt Company <i>vs.</i> Guthrie.. . . .	35	0.	S.	666
Emery <i>vs.</i> Candle Company.. . . .	47	0.	S.	320
Jackson <i>vs.</i> Brick Association.. . . .	53	0.	S.	303
State <i>vs.</i> Buckeye Pipe Line Co.. . . . .	61	0.	S.	523
Gage <i>vs.</i> State.. . . .	72	0.	S.	210

These cases will be found in the Ohio State Reports which I assume are available in your law libraries.

The statute under which prosecutions and proceedings mentioned in the last cases above cited is as follows:—

GENERAL CODE OF OHIO.

Section 6390. The word ‘person’ or ‘persons’ as used in this chapter includes corporations, partnerships and associations existing under or authorized by any state or territory of the United States, or a foreign country.

Section 6391. A trust is a combination of capital, skill or acts by two or more persons, firms, partnerships, corporations or associations of persons, for any or all of the following purposes:—

1. To create or carry out restrictions in trade or commerce.
2. To limit or reduce the production or increase, or reduce the price of merchandise or a commodity.
3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or a commodity.



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4. To fix at a standard figure, whereby its price to the public or consumer is in any manner controlled or established, an article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this State.

5. To make, enter into, execute or carry out contracts, obligations or agreements of any kind or description, by which they bind or have bound themselves not to sell, dispose of or transport an article or commodity, or an article of trade, use, merchandise, commerce or consumption below a common standard figure or fixed value, or by which they agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of an article, commodity or transportation between them or themselves and others, so as directly or indirectly to preclude a free and unrestricted competition among themselves, purchasers or consumers in the sale or transportation of such article or commodity, or by which they agree to pool, combine or directly or indirectly unite any interests, which they have connected with the sale or transportation of such article or commodity, that its price might in any manner be affected. Such trust as is defined herein is unlawful, against public policy and void.

“Section 6392. It shall not be lawful for a person, partnership, association or corporation, or an agent thereof, to issue or own trust certificates, or for a person, partnership, association or corporation, or an agent, officer or employee thereof, or a director or stockholder of a corporation, to enter into a combination, contract or agreement with any person or persons, corporation or corporations, or a stockholder or director thereof, the purpose and effect of which is to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of a trustee or trustees with the intent to limit or fix the price or lessen the production and sale of an article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of such article.

“Section 6393. A contract or agreement in violation of any provision of this chapter is void and not enforceable either in law or equity.

“Section 6394. A foreign corporation or foreign association exercising any of the powers, franchises or functions of a corporation in this state, violating any provision of this chapter shall not have the right of and be prohibited from, doing any business in this state. The attorney-general shall enforce this provision by proceedings in quo warranto in the supreme court, or the circuit court of the county in which the defendant resides or does business, or by injunction or otherwise. The secretary of state shall revoke the certificate of such corporation or association theretofore authorized by him to do business in this state.

“Section 6395. A person, firm, partnership, corporation or association violating any provision of this chapter shall forfeit and pay the sum of fifty dollars for each day that such violation is committed or continued after due notice given by the attorney-general or a prosecuting attorney. Such sum may be recovered in the name of the state in any county where the offence is committed or where any of the offenders reside; and the attorney-general, or the prosecuting attorney of any county upon the order of the attorney-general, shall prosecute for the recovery thereof. When such action is prosecuted by the attorney-general against a corporation or association, he may begin it in the circuit court of the county in which the defendant resides or does business.

“Section 6396. A violation of any or all of the provisions of this chapter is a conspiracy against trade, and a person engaged in such conspiracy or taking part therein, or aiding or advising in its commission, or, as principal, manager, director, agent, servant or employer, or in any other capacity knowingly carrying out any of the stipulations, purposes, prices or rates, or furnishing any information to assist in carrying out such purposes, or orders thereunder, or in pursuance thereof, or in any manner violating a provision of this chapter, shall be fined not less than fifty nor



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more than five thousand dollars or imprisoned not less than six months nor more than one year, or both. Each day's violation of this provision shall constitute a separate offense.

“Section 6397. In addition to the civil and criminal penalties provided in this chapter, the person injured in his business or property by another person, or by a corporation, association or partnership, by reason of anything forbidden or declared to be unlawful in this chapter, may sue therefor in any court having jurisdiction thereof in the county where the defendant or his agent resides or is found, or where a service may be obtained, without respect to the amount in controversy, and recover twofold the damages sustained by him and his costs of suit. When it appears to the court, before which a proceeding under this chapter is pending, and the ends of justice require other parties to be brought before such court, the court may cause them to be made parties defendant and summoned whether they reside in the county where such action is pending or not.

“Section 6398. In an indictment for an offense provided for in this chapter, it is sufficient to state the purpose or effects of the trust or combination, and that the accused is a member thereof, or acted with or in pursuance of it or aided or assisted in carrying out its purposes, without giving its name or description, or how, when and where it was created.

“Section 6399. In prosecutions under this chapter, it shall be sufficient to prove that a trust or combination as defined herein, exists, and that the defendant belonged to it, or acted for or connection with it, without proving all the members belonging to it, or proving or producing an article of agreement, or a written instrument on which it may have been based; or that it was evidenced by a written instrument. The character of the trust or combination alleged may be established by proof of its general reputation.

“Section 6400. For a violation of any provision of this chapter by a corporation or association mentioned herein, the Attorney General, or the prosecuting attorney of the proper county, shall institute proper proceedings in a court of competent jurisdiction in any county in the state where such corporation or association exists, does business or has a domicile. When such suit is instituted by the Attorney General in quo warranto, he may also begin a suit in the supreme court of the state, or the circuit court of Franklin county, for the forfeiture of the charter rights, franchises or privileges and powers exercised by such corporation or association, and for its dissolution under the general statutes of this state.

“Section 6401. If a court of record or in vacation a judge thereof, in which is pending a civil, criminal or other action or proceeding brought or prosecuted by the Attorney General or a prosecuting attorney for the violation of any provision of this chapter, or an action or proceeding for a violation of a law, common or statute, against a conspiracy or combination in restraint of trade, so orders, no person shall be excused from attending, testifying or producing books, papers, schedules, contracts, agreements or other documents in obedience to the subpoena or order of such court or a commissioner, referee or master appointed by such court to take testimony, or a notary public or other person authorized by the laws of this state to take depositions, when the order made by such court or judge includes a witness whose deposition is being taken before such notary public or other officer, for the reason that the testimony or evidence required of him may tend to criminate him or subject him to a penalty; but no person shall be prosecuted or subjected to a penalty for or on account of a transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, before such court, person or officer.

“Section 6402. The provisions of this chapter shall be cumulative of each other, and of all other laws in any manner affecting them.”



## SESSIONAL PAPER No. 61

I hope that the meagre information which I am able to furnish to you will be of service to your department.

Very truly yours,  
(Signed) TIMOTHY S. HOGAN,  
*Attorney General.*

STATE OF WASHINGTON,  
OFFICE OF ATTORNEY GENERAL.  
OLYMPIA, March 30, 1911.

SIR,—Replying to your letter of the 20th instant, we have to advise you that the State of Washington has never undertaken to investigate the question of trusts and monopolies.

Respectfully,  
(Signed) W. V. TANNER,  
*Assistant Attorney General.*

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

AMERICAN BUREAU OF INDUSTRIAL RESEARCH,  
MADISON, WISCONSIN, March 22, 1911.

Room 112 Hist. Lib.  
Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

I received yours of the 14th, but have not yet received the copy of the *Labour Gazette* to which you refer. I regret that I am not in position to assist you in obtaining the information desired regarding methods in operation in the trusts and combinations in the United States. I presume you have communicated with the Bureau of Corporations and other parties whom I would naturally suggest to you, and that you will find no difficulty in getting access to official publications. I do not know of any investigations that compare in value and reliability with those published by the Bureau of Corporations. The only qualification lies in the fact that much of the information secured by the Bureau is, I understand, held to be confidential and I do not know how this feature can be overcome except by personal visit on the part of your agents at Washington.

I regret that I cannot be of more service in response to your kind invitation.

Sincerely yours,  
(Signed) J. R. COMMONS.  
L.

STATE OF NEW YORK,  
ATTORNEY GENERAL'S OFFICE,  
ALBANY, March 18, 1911.

THOMAS CARMODY,  
*Attorney General.*

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—I have received your favour of the 15th inst. requesting information as to the operation of Anti-Trust Laws in this State. Complying with your request, I herewith, in duplicate, make my reply.



2 GEORGE V., A. 1912

The question of the regulation and control of monopolies in this country is largely a matter of Federal jurisdiction for the reason that most of the monopolies and 'trusts' so-called, are engaged in interstate commerce and therefore the only general effective restraint that can be placed upon their operations is through the exercise of the powers of Federal Courts.

We have, however, upon our statute books an Article of General Business Law (Article XXII) enacted in 1909, which controls this subject so far as it can be controlled with our State jurisdiction. The article is headed 'Monopolies' and includes sections 340 to 346, inclusive, of the law referred to. As amended to date, it is as follows—

Section 340. *Contracts for monopoly illegal and void.*—Every contract, agreement, arrangement or combination whereby a monopoly in the manufacture, production or sale in this State of any article or commodity of common use is or may be created, established or maintained, or whereby competition in this State in the supply or price of any such article or commodity is or may be restrained or prevented, or whereby for the purpose of creating, establishing or maintaining a monopoly within this State of the manufacture, production or sale of any such article or commodity, the free pursuit in this State of any lawful business trade or occupation is or may be restricted or prevented is hereby declared to be against public policy, illegal and void.

Section 341. *Penalty.*—Every person or corporation, or any officer or agent thereof, who shall make or attempt to make or enter into any such contract, agreement, arrangement or combination, or who within this state shall do any act pursuant thereto, or in, toward or for the consummation thereof, wherever the same may have been made, is guilty of a misdemeanor, and on conviction thereof shall, if a natural person, be punished by a fine not exceeding five thousand dollars, or by imprisonment for not longer than one year, or by both such fine and imprisonment; and if a corporation, by a fine of not exceeding twenty thousand dollars. An indictment based on a violation of any of the provisions of this section must be found within two years after its commission. (Amended by L.1910, ch 633, in effect Sept. 1, 1910.)

Section 342. *Action to restrain and prevent.*—The attorney-general may bring an action in the name and in behalf of the people of the state against any person, trustee, director, manager or other officer or agent of a corporation, or against a corporation, foreign or domestic, to restrain and prevent the doing in this state of any act herein declared to be illegal, or any act in, toward or for the making or consummation of any contract, agreement, arrangement or combination herein prohibited, wherever the same may have been made.

Section 343. *Procedure; application for order.*—Whenever the attorney-general has determined to commence an action or proceeding under this article, he may present to any justice of the supreme court, before beginning such action or proceeding, an application in writing, for an order directing the persons mentioned in the application to appear before a justice of the supreme court, or a referee designated in such order, and answer such questions as may be put to them or to any of them, and produce such papers, documents and books concerning any alleged illegal contract, arrangement, agreement or combination in violation of this article; and it shall be the duty of the justice of the supreme court, to whom such application for the order is made, to grant such application. The application for such order made by the attorney-general may simply show upon his information and belief that the testimony of such person is material and necessary. The provisions of the code of civil procedure, chapter nine, title three, article one, relating to the application for an order for the examination of witnesses before the commencement of an action and the method of proceeding on such examinations, shall not apply except as herein prescribed. The order shall



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be granted by the justice of the supreme court to whom the application has been made, with such preliminary injunction or stay as may appear to such justice to be proper and expedient, and shall specify the time when and place where the witnesses are required to appear, and such examination shall be held either in the City of Albany, or in the judicial district in which the witness resides, or in which the principal office within the state, of the corporation affected, is located. The justice or referee may adjourn such examination from to time and witnesses must attend accordingly. The testimony of each witness must be subscribed by him, and all must be filed in the office of the clerk of the county in which such order for examination is filed.

Section 344. *Order for examination.*—The order for such examination must be signed by the justice making it, and the service of a copy thereof, with an indorsement by the attorney-general, signed by him, to the effect that the person named therein is required to appear and be examined at the time and place, and before the justice or referee specified in such indorsement, shall be sufficient notice for the attendance of witnesses. Such indorsement may contain a clause requiring such person to produce on such examination all books, papers and documents in his possession, or under his control, relating to the subject of such examination. The order shall be served upon the person named in the indorsement aforesaid, by showing him the original order, and delivering to and leaving with him, at the same time, a copy thereof indorsed as above provided, and by paying or tendering to him the fee allowed by the law to witnesses subpoenaed to attend trials of civil actions in a court of record in this state.

Section 345. *No person excused from answering.*—No person shall be excused from attending and testifying, or from producing any books, papers or other documents before any court, magistrate or referee; upon any investigation, proceeding or trial, pursuant to or for a violation of any of the provisions of this article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise. And no testimony so given or produced shall be received against him upon any criminal investigation, proceeding or trial. (Amended by L. 1910, ch. 394, in effect June 6, 1910.)

Section 346. *Powers of referee.*—A referee appointed as provided in this article possesses all the powers and is subject to all the duties of a referee appointed under section ten hundred and eighteen of the code of civil procedure, so far as practicable, and may punish for contempt a witness duly served as prescribed in this article for non-attendance or refusal to be sworn or to testify or to produce books, papers and documents according to the direction of the indorsement aforesaid, in the same manner, and to the same extent as a referee appointed to hear, try and determine an issue of fact or of law.

This article was a re-enactment of Chapter 690 of the Laws of 1899 entitled: 'An Act to prevent monopolies in articles or commodities of common use, and to prohibit restraints of trade and commerce, providing penalties for violations of the provisions of this Act, and procedure to enable the attorney-general to secure testimony in relation thereto.'

The statute of 1899 was quite substantially a re-enactment of the Laws of 1897 which bore the same title as the statute of 1899.

It was held by the Court of Appeals of this State in the matter of Davies, 168 N.Y., 89, 101, that the statute in respect to its object to destroy monopolies in the manufacture, production and sale in this state of commodities in common use, to prevent combinations in restraint of competition in the supply or price of such com-



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modities, or in restraint of the free pursuit of any lawful business, trade or occupation, was a codification of the common law upon the subject, and its validity cannot be successfully questioned in view of a long line of authorities.

There have been many actions brought in the courts of this State in which the principles of the common law and the statutes codifying it have been upheld, which are to be found in the reported case of our courts. Some of them to which I call your attention are as follows:—

*People v. Trequier*, 1 Wheeler Cr. Cas. 142.  
*People v. Fisher*, 14 Wend. 9;  
*Hooker & Woodward v. Vandewater*, 4 Den. 349,  
*Stanton v. Allen*, 5 Den, 434,  
*Arnot v. Pittston & Elmira Coal Co.*, 68 N.Y. 558.  
*Leonard v. Poole*, 114 N.Y. 371.  
*People v. Sheldon*, 139 N.Y. 251.  
*Judd v. Harrington*, 139 N.Y. 105.  
*People v. Milk Exchange*, 145 N.Y. 267.  
*Cummings v. Union Blue Stone Co.*, 164 N.Y. 401.  
*Cohen v. Berlin & Jones Envelope Co.*, 166 N.Y. 292.  
*Matter of Davies*, 168 N.Y. 89.  
*Straus v. American Publishers Assn.*, 177 N.Y. 473.  
*People ex rel., Morse v. Nussbaum*, 55 A.D. 245.  
*People v. American Ice Co.*, 120 A.D. 234.  
*Matter of Attorney General*, 32 Misc. 1.  
*Matter of Jackson*, 57 Mic. 1.

The case of the People against the American Ice Company, brought by the Attorney General, under the provisions of this Act, to cancel contracts made by the defendant with individual dealers in alleged restraint of trade and to revoke the franchise of the defendant to do business in this State, is now pending in the Courts and an early disposition thereof is expected.

In a criminal action against the same defendant, prosecuted in the city of New York, the defendant was found guilty and fined the sum of five thousand dollars. An appeal from such judgment is now pending.

I think it may be considered as a general principle that prosecutions for this form of violation of law have been generally successful. As to the details in each particular case you may be advised by a reference to the reported cases which I have stated and which must be accessible to your department, as I presume our law reports are contained in the larger libraries of your Dominion.

I desire to thank you for your courtesy in enclosing for me copies of your statute, entitled 'An Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers,' being chapter 9, 9-10 Edward VII.

I wish to congratulate your Parliament on what seems to me to be a full and complete enactment covering the subject.

Yours respectfully,

THOMAS CARMODY,  
*Attorney General.*  
 By J. A. KELLOGG,  
*First Deputy.*



SESSIONAL PAPER No. 61

*(Copy.)*

THE COMMONWEALTH OF MASSACHUSETTS,  
 DEPARTMENT OF THE ATTORNEY GENERAL,  
 Hon. F. A. ACLAND, BOSTON, March 20, 1911.  
 Deputy Minister of Labour,  
 Ottawa, Canada.

DEAR SIR,—I have been directed by the Attorney General of this Commonwealth to acknowledge the receipt of your communication of March 15, enclosing copies of an Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers, and in reply thereto to say that such investigation of the questions referred to in your communication as has been made in the Commonwealth of Massachusetts is embodied in a report of the Commission on the Cost of Living, created by Statutes of 1910, chapter 134, a copy of which I am sending you under another cover. This contains, at page 428, a discussion of the provisions of the Massachusetts Statute against contracts, agreements, arrangements or combinations in restraint of trade, and an opinion upon the present state of the law in this Commonwealth. Most of the questions of this character arise under the Federal Statute, the so-called 'Anti-Trust Act,' and, except as applicable to combinations of railroads, there has been no action in Massachusetts in regard to them. I do not understand that your inquiry extends to statute prohibitive of combinations of railroads which do not directly affect the production, transportation or sale of articles of trade or commerce, and which are only declarative of the public policy of the Commonwealth that there shall be within prescribed limits competition in matters of transportation, but if you desire to include such statutes and the cases which have arisen, I shall be very glad to furnish them to you.

I am, with great respect,

Very truly yours,

(Signed) FREDERIC B. GREENHALGE,  
*Assistant Attorney General.*

STATE OF CALIFORNIA,  
 OFFICE OF ATTORNEY GENERAL,  
 Hon. F. A. ACLAND, SAN FRANCISCO, April 14, 1911.  
 Deputy Minister of Labour,  
 Ottawa, Canada.

DEAR SIR,—The Anti-Trust Law of this State can be found in the Statutes of California of 1907, at page 984.

I have no copies of the law for distribution, but presume your law library contains the volume.

Very truly yours,

(Signed) U. S. WEBB,  
*Attorney General.*

FRANKFORT, KENTUCKY.

MY DEAR SIR,—Relative to this letter, I have to advise that you were correct in the first place in addressing your communication to the Attorney General, as this department is not informed on any of the matter therein.

Very respectfully,

BEN. L. BRUNER,  
*Secretary of State.*

(Signed) Per W. R. LYON,  
*Chief Clerk.*



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*(Copy.)*

THE STATE OF MONTANA,  
DEPARTMENT OF ATTORNEY GENERAL,  
HELENA, March 29, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

MY DEAR SIR,—I acknowledge receipt of your favour of the 21st inst., together with two copies of a recent Act of the House of Commons attempting to regulate trusts and monopolies. I hastily review your Act upon this subject and sincerely hope that same may be found operative and beneficial.

Our constitution, section 20, article XV., in dealing this subject, provides:—

No incorporation, stock company, person or association of persons in the State of Montana, shall directly, or indirectly, combine or form what is known as a trust, or make any contract with any person, or persons, corporations, or stockholders foreign or domestic through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price, or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The Legislative Assembly shall pass laws for the enforcement thereof by adequate penalties to the extent, if necessary for that purpose, of the forfeiture of their property and franchises, and in the case of foreign corporations prohibiting them from carrying on business in the State.

Our Legislative Assembly attempted to make laws pursuant to said constitutional provision by the enactment of sections 321 to 325, Annotated Codes (1895), but this Act was under consideration by our Supreme Court in the case of *State v. Cudahy Packing Co.*, 31 Mont. 648; s. c. 83 Pac. 1118, and in that case was held to be unconstitutional on the ground that exception was attempted to be made of persons engaged in horticulture and agriculture. See also the leading case, and that which was controlling upon our Supreme Court, *Conley v. Union Sewer Pipe Co.*, 184 U.S. 539.

Thereafter by chapter 97, Laws of 1909, page 127, our Legislative Assembly again attempted to pass an Act pursuant to Constitutional provisions regulating trusts and monopolies, but since then no proceedings have been instituted under said Act. The principal reasons why proceedings have not been instituted under said Act are that no cases have been presented to the Attorney General, and again the constitutionality of this last Act is also questionable because labour organizations are attempted to be exempted from its operation.

Yours respectfully,

(Signed) ALBERT J. GALEN,  
*Attorney General.*

ANDREW MILLER,  
*Attorney General.*

ALFRED ZUGER,  
C. L. YOUNG,  
*Assistants.*

STATE OF NORTH DAKOTA,  
OFFICE OF ATTORNEY GENERAL,  
BISMARCK, March 25, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—The Attorney General has yours relative to the proposed investigation by your department of trusts, combines, &c., in the United States, in which you ask for suggestions as to how such an investigation might be successfully conducted.



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I beg to advise that in this State there is so little evidence of corporate combination or of trust agreements that we have never found it necessary to conduct investigations or to institute criminal prosecutions or other proceedings to control aggregations of wealth. We therefore are not in position to offer you suggestions that would be of service in the duties you are called upon to perform.

Regretting that we cannot assist you, I am,

Very truly yours,

(Signed) C. L. YOUNG,  
*Assistant Attorney General.*

JOHN G. SARGENT,  
*Attorney General.*

STATE OF VERMONT,  
ATTORNEY GENERAL'S OFFICE,  
MONTPELIER, March 21, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—I am directed by the Attorney General to write you in reply to your letter of March 17, that there are no statutes and have been no proceedings in the courts of this State touching and concerning the methods and operations of the meat trusts or other trust combines in the United States.

I have the honour to be,

Very truly yours,

(Signed) MILDRED BROOKS.  
E. P.,  
*Secretary.*

JOHN C. BELL,  
*Attorney General.*

J. E. B. CUNNINGHAM,  
*Deputy Attorney General.*

OFFICE OF THE ATTORNEY GENERAL,  
*Assistant Deputy Attorney General.* HARRISBURG, March 21, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—I have been directed by the Attorney General to acknowledge receipt of your communication of the 15th inst., in which you request 'information of every kind touching or concerning the methods and operations of the meat trust and other trusts and combines in the United States,' and to say that the same has been referred to the Legislative Reference Bureau, with the request that if it possesses the information you seek, the same be furnished to you.

Very truly yours,

(Signed) H. M. HOKE,  
*Private Secretary.*

STATE OF OHIO,  
Bureau of  
Immigration, Labour and Statistics.



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SAMUEL J. RICH,  
*Commissioner.*

BOISE, IDAHO, March 28, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—Your esteemed favour of the 17th inst., addressed to the Attorney General has been referred to this office for reply.

I will advise that the State of Idaho is so little affected by the operation of the trusts and combines in which you are concerned that anything we might offer you on the subject would be immaterial.

I regret exceedingly that I cannot be of service to you in this matter and hope to be

Very respectfully yours,

S. J. RICH,  
*Commissioner.*

WM. G. CONLEY,  
*Attorney General.*

STATE OF WEST VIRGINIA,  
OFFICE OF ATTORNEY GENERAL,  
CHARLESTON, March 27, 1911.

Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

SIR,—I have the honour to answer your communication of the 20th, asking for information concerning the Statutes of this State against the unlawful compensation of capital, the trusts, together with the proceedings and results had thereunder; and also enclosing copies of an Act providing for the investigation of combines, monopolies, trusts and mergers, enacted by the Government of Canada, and assented to on the 4th day of May, 1910, for which last, I thank you.

I regret to inform you that we have no well defined statute against trusts and combinations in this State. We have legislation against the unlawful combination of railroads, which I apprehend would not be of interest to you. At the session of 1907, a comprehensive Anti-Trust Law was proposed and passed the House of Delegates, but failed of passage in the Senate. It was practically the same as 'The Ballentine Act of the State of Ohio,' which I understand, has been very effective in that State. If you would address the authorities of that State for this Ballentine Act, together with the decisions thereunder, I feel sure you would be interested in the reply. From the Federal authorities at Washington you can obtain a copy of the Elkins Anti-Trust Law of 1891, as you no doubt know.

I regret that I cannot be of service to you. If I can be of any service to you in the future, please command me.

I have the honour to be, sir,  
Your obedient servant,

WM. G. CONLEY,  
*Attorney General.*

(Signed) By FRANK SMILY,  
*Assistant.*



SESSIONAL PAPER No. 61

OFFICE OF ATTORNEY GENERAL OF VIRGINIA,  
RICHMOND, March 24, 1911.Hon. F. A. ACLAND,  
Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—Your favour of March 21st, with enclosures to hand, for which you have my thanks. In reply to your letter I have the honour to reply as follows:—

Section 165 of the Constitution of our State is as follows:—

The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare.

From an inspection of the Statutes of our State, however, I have been unable to find that the General Assembly has ever passed any laws relating to monopolies, trusts, &c.

I regret to have to inform you, therefore, that I cannot furnish you with any papers, reports, &c., which will aid you in the investigation you are making.

I have the honour to remain,

Yours very truly,

(Signed) SAMUEL W. WILLIAMS,  
*Attorney General of Virginia.*

(Copy.)

STATE OF UTAH,  
LEGAL DEPARTMENT,  
SALT LAKE CITY, March 29, 1911.To the Hon. Deputy Minister of Labour,  
Department of Labour,  
Ottawa, Canada.

DEAR SIR,—I am in receipt of your favour of the 21st inst.

We do not have pamphlet copies of the little legislation that we do have concerning Pools and Trusts. Enclosed I am sending you a typewritten copy of Title 65, Compiled Laws of Utah, 1907. Also, a typewritten copy of Section 20 of Article 12 of our State Constitution.

I am also enclosing you, under separate cover, a pamphlet copy of the corporation laws of this State.

Very truly yours,

(Signed) A. R. BARNES,  
*Attorney General of Utah.*

## ARTICLE XII. OF THE CONSTITUTION.

Sec. 20. (*Trusts and Combinations prohibited.*)—Any combination by individuals, corporations, or associations, having for its object or effect the controlling of the price of any products of the soil or of any article of manufacture or commerce or the cost of exchange or transportation is prohibited, and hereby declared unlawful, and against public policy. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, it may declare a forfeiture of their franchise.

## TITLE 65—POOLS AND TRUSTS.

### CHAPTER 1.

#### GENERAL PROVISIONS.

1752. *Unlawful Combination.*—Any combination by persons having for its object or effect the controlling of the prices of any professional services, any products of the



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soil, any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited and declared unlawful.

1753. *Id. Members Guilty of Conspiracy to Defraud.*—Any person or association of persons, who shall create, enter into, become a member of, or a party to, any pool, trust, agreement, combination, confederation, or understanding with any other person or persons, to regulate or fix the price of any article of merchandise or commodity; or shall enter into, become a member of, or a party to, any pool, trust, agreement, contract, combination, or confederation to fix or limit the amount or quantity of any article, commodity, or merchandise to be manufactured, mined, produced, or sold in this state, shall be deemed and adjudged guilty of a conspiracy to defraud, and be subject to punishment as hereinafter provided.

1754. *Trusts Declared Unlawful.*—It shall not be lawful for any corporation to issue or to own trust certificates; or for any corporation, agent, officer, or employee, or the directors or stockholders of any corporation, to enter into any combination, contract, or agreement with any person or persons, the purpose or effect of which combination, contract, or agreement shall be to place the management or control of such combination or combinations, or the manufactured products thereof, in the hand of any trustee or trustees, with the intent to limit or fix the price, or lessen the production and sale of any article of commerce, use, or consumption, or to prevent, restrict, or diminish the manufacture or output of any such article, or to monopolize any part of the trade or commerce within this state.

1755. *Penalties. Firms and Corporations.*—If a corporation, a company, a firm, or association shall be found guilty of a violation of any provision of this title, it shall be punished by a fine in any sum not less than \$100 nor more than \$2,000 for the first offence; and for the second offence, not less than \$500 nor more than \$5,000; and for the third offence, not less than \$5,000, nor more than \$10,000; and for any subsequent offence shall be liable to a fine of \$15,000.

1756. *Id. Individuals.*—Any president, manager, director, or other officer, agent, or receiver of any corporation, company, firm, or association, or any member of any company firm or association, or any individual found guilty of a violation of any provision of this title, may be punished by a fine of not less than \$100 nor more than \$1,000, or by confinement in the county jail not more than one year, or by both, in the discretion of the court before which such conviction may have been had.

1757. *Unlawful Contracts Void.*—Any contract or agreement in violation of any provision of this title shall be absolutely void.

1758. *Corporate Franchise Forfeited.*—Any corporation organized or existing under the laws of this state that shall violate any provision of this title shall thereby forfeit its corporate rights and franchises, and its corporate existence shall thereupon cease and determine.

1759. *Id. Notice to Corporation.*—It shall be the duty of the secretary of state, upon satisfactory evidence that any corporation or association of persons, incorporated or operating under the laws of this state, has entered into any trust, combination, or association as mentioned in the preceding provisions of this title, to give notice to such corporation that unless it withdraws from and severs all business connections with said trust, combination, or association, its corporate right and franchise will be revoked at the expiration of thirty days from the date of such notice.

1760. *If Attorney General to Bring Action, When.*—At the expiration of thirty days, if such withdrawal or severance be not theretofore made, the secretary of state shall cause a certified statement of the facts to be filed in the office of the attorney general of the state, who shall commence, or direct any county attorney in the state to commence, an action, in any district court of the state of competent jurisdiction, to forfeit and revoke the corporate rights and franchises of such corporations. On the final decision of the same, should the defendant be found guilty of a violation of



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any of the provisions of this title, the court shall render judgment that the charter, corporate rights, and franchises of such corporation be revoked, and the secretary of state shall thereupon make publication of such revocation in four newspapers in general circulation in four of the largest cities of the state.

1761. *Guilty Person Liable for Treble Damages.*—In case any person or persons shall do, cause to be done, or permit to be done, any act, matter, or thing in this title prohibited or declared to be unlawful, such person or persons shall be liable to the person or persons injured thereby for treble the amount of damages sustained in consequence of any such violation.

1762. *'Person' includes 'Corporation.'*—The words 'person' or 'persons' whenever used in this title, shall be deemed to include corporations, companies, and associations, existing under or authorized by the laws of either the United States, or any of the territories, any state, or any foreign country.

## CHAPTER 2.

## UNJUST DISCRIMINATION AGAINST NEWSPAPERS.

1762x. *Discrimination in Vending News Prohibited.*—All persons, all associations of persons, and all corporations engaged in the business of buying, gathering, or accumulating information or news for publication, and vending, supplying, distributing, or disseminating the same for publication, either to their members or otherwise, shall be deemed to be engaged in a business upon which a public interest is ingrafted, and shall make no distinction with respect to newspaper publishers desiring to purchase such news or information for publication.

1762x1. *Unlawful to Discriminate.*—It shall be unlawful for any person, association of persons, or corporations engaged in gathering and furnishing news for publication to make any discrimination or distinction with respect to a person or corporation engaged in publishing a newspaper.

1762x2. *Combinations Prohibited.*—Any combination by persons having for its object or effect the controlling of information or news gathered or accumulated for distribution and publication shall be deemed a trust, and hostile to the public welfare, and is prohibited and declared unlawful.

1762x3. *Associations Engaged in Gathering News Must Render Impartial Service.*—All persons, associations of persons, and corporations engaged in the business of gathering and disseminating information or news for publication by their members, or stockholders, or otherwise, shall be deemed to be engaged in a business in which the public is interested, and shall furnish such news to any and all newspapers desiring to publish the same at the same price as charged to the members of said association, or corporation, or stockholders of any such corporation, without discrimination between the members or stockholders and such newspapers desiring to publish such information and news; and shall render equal and impartial service to all publishers of newspapers who shall offer to pay a reasonable price therefor.

1762x4. *Certain Contracts Void.*—Any contract or agreement in violation of the provisions of this chapter, shall be absolutely void and not enforceable either in law or equity.

1762x5. *How Combination Proved.*—In all actions brought under this chapter, it shall be sufficient to prove that a trust or combination as defined herein exists, and that the defendant belonged to it, or acted for or in connection with it, without proving or producing any article of agreement, or any written instrument on which it may have been based, or that it was evidenced by any written instrument at all. The character of the trust or combination alleged may be established by proof of its general reputation as such.



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1762x6. *Telephone and Telegraph Companies' Agents. Process, how served.*—All telephone and telegraph companies employed to transmit such information or news shall be deemed to be agents of such persons and corporations, and all legal process may be served by the officers of the law upon such telephone and telegraph companies; and an offer to pay a reasonable price to said telephone or telegraph companies shall be equivalent to an offer to pay the same to the persons or corporations gathering and disseminating such information or news.

1762x7. *Terms defined.*—The words 'person' or 'persons,' wherever used in this chapter, shall be deemed to include corporations, companies, and associations, existing under or authorized by either the laws of the United States, or of any of the territories, any state, or any foreign state.

STATE OF COLORADO,

LEGAL DEPARTMENT,

DENVER, COLORADO, March 22, 1911.

Hon. F. A. ACLAND,

Deputy Minister of Labour,

Department of Labour,

Ottawa, Canada.

DEAR SIR,—I presume from the fact that your signature is illegible that you are a lawyer, and whether or not I have the name right, I cannot tell. I cannot determine whether it is McLoud or Ackland.

However, I desire to thank you for your favour of March 18th, containing two copies of the Combines Investigation Act of Canada, and shall be glad to receive the March number of the *Labour Gazette*, which you say you will mail to us.

We have no statutes, &c., touching the question of trusts or combines. However, we enclose herewith copy of a brief filed in the case of *The Denver Jobbers' Association et al., vs. The People of the State of Colorado*, in which suit we obtained an injunction prohibiting the defendants from enforcing and carrying out certain combinations, contracts and agreements, which were alleged to be injurious to the people of the State, because they tended to create a monopoly in respect to the necessities of life and were in restraint of trade. As above stated, we secured an injunction in the court below, and the same is now pending in the Supreme Court of the State. The argument therein made and the cases cited may be of some interest and benefit to you.

There is quite a full statement of the facts and authorities used in this case reported in the *Central Law Journal*, published at St. Louis, Mo., in volume 67, at page 181, entitled 'Trust Busting under the Common Law,' by the writer. We have no copy of this available, or I would gladly send it to you. You may secure a copy, if you think it worth while, by writing to the publishers.

This case was won in the court below and we expect to have the judgment affirmed in the Supreme Court without reference to any statute, but by the principles of the common law.

Trusting this may be of some assistance to you, I remain,

Very truly yours,

BENJAMIN GRIFFITH.

*Attorney General.*

(Signed) By GEO. D. TALBOT,

*Special Counsel.*



SESSIONAL PAPER No. 61

STATE OF ILLINOIS,  
DEPARTMENT OF JUSTICE,  
SPRINGFIELD, March 20, 1911.

Hon. Deputy Minister of Labour,  
Department of Labour,  
Ottawa, Canada.

DEAR SIR,—I have your letter of the 17th instant, in which you request me to furnish your department such information as is within my knowledge relative to a certain order of the House of Commons of Canada, issued on February 27, for a return.

In reply thereto will say there is a statute in this State intended to prevent and prohibit the organization of trusts, pools and combinations to fix the price or limit the amount and quantity of any article produced. (See paragraphs 269a-269j, chapter 38, Hurd's Revised Statutes, 1909.)

I am unable to furnish you with any documents, papers or information concerning the operation of the meat trusts or other combinations in the United States. These matters have never been investigated by this department and for that reason no information is available.

I desire to express my thanks for copies of the Act which you enclose and a copy of the *Labour Gazette* which you state is to be sent to me, and to express my regret that I am unable to furnish you the information which you desire.

Very respectfully,  
(Signed) W. H. STEAD,  
*Attorney General.*

Copy.

Cyrus R. Tupper.  
Attorney General.  
Augusta, Me.

Charles P. Barnes.  
Augusta, Me.

STATE OF MAINE,  
OFFICE OF ATTORNEY GENERAL,  
AUGUSTA, March 21, 1911.

Deputy Minister of Labour,  
Ottawa, Canada.

MY DEAR SIR,—Your of the 17th, relative to trusts received.

I am sending you herewith copy of our statutes relative to same. No proceedings have ever been commenced under this law in any of the courts of this state so far as I am able to learn.

Yours very truly,  
(Signed) CYRUS R. TUPPER,  
*Attorney General.*

Copy.

### TRUSTS PROHIBITED.

Sec. 53. It shall be unlawful for any firm or incorporated company, or any number of firms or incorporated companies, or any unincorporated company, or association of persons or stockholders, organized for the purpose of manufacturing, producing, refining or mining any article or product, which enters into general use and consumption by the people, to form or organize any trust, or to enter into any combination of firms, incorporated or unincorporated companies, or association of stockholders, or to delegate to any one or more board or boards of trustees or directors the



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power to conduct and direct the business of the whole number of firms, corporations, companies or associations which may have formed, or which may propose to form a trust, combination or association inconsistent with the provisions of this section and contrary to public policy.

Sec. 54. No certificate of stock, or other evidence of interest, in any trust, combination or association, as named in the preceding section, shall have legal recognition in any court in this state, and any deed of real estate given by any person, firm or corporation, for the purpose of becoming interested in such trust, combination or association, or any mortgage given by the latter to the seller, as well as all certificates growing out of such transaction, shall be void.

Sec. 55. Any firm, incorporated or unincorporated company, or association of persons or stockholders, who shall enter into or become interested in such trust, combination or association, shall be subject to a fine of not less than five, nor more than ten thousand dollars.

STATE OF FLORIDA,

OFFICE OF THE ATTORNEY GENERAL,

TALLAHASSEE, March 23, 1911.

Hon. F. A. ACLAND,

Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—I am in receipt of your letter of the 17th inst. regarding the trust or anti-trust laws and in reply beg to advise that the State of Florida has no such statutes.

Yours very truly,

(Signed) PARK TRAMMELL.

OFFICE OF THE ATTORNEY GENERAL,

ST. PAUL, May 1, 1911.

Hon. F. A. ACLAND,

Deputy Minister of Labour,  
Ottawa, Canada.

DEAR SIR,—Your favour of March 15th was duly received at this office and should have received the courtesy of a more prompt answer.

In extenuation of our seeming lack of courtesy, I would say that at the time of the receipt of your letter our Legislature was in session and we were literally swamped with a large volume of official business which necessarily required our attention.

In answer to the inquiries made in your letter, I beg to advise you that the experience of the State of Minnesota in prosecuting unlawful combinations has been somewhat limited. The statute of this state prohibiting combinations in restraint of trade is to be found in Sections 5168 and 5169 Revised Laws 1905. A statute prohibiting discrimination in the sale of petroleum products was enacted by the legislature of 1907 and is Chapter 269 Session Laws of Minnesota for the year 1907. I assume that you will have access to these statutes in some library and hence am not taking the trouble to copy them for you. These various statutes have been before our Supreme Court in the following cases:

State of Minnesota v. Duluth Board of Trade, 107 Minn. 506; 121 N.W. 395.

State of Minnesota v. Standard Oil Co., 111 Minn. 85.

State of Minnesota v. Creamery Package Mfg. Co., 110 Minn. 415.



## SESSIONAL PAPER No. 61

Under separate cover I am sending you a copy of the State's brief in the last mentioned case, hoping that possibly the same may be of some value to you.

Very truly,

(Signed) C. LOUIS WEEKS,  
Assistant Attorney General.

PENNSYLVANIA STATE LIBRARY, HARRISBURG,  
LEGISLATIVE REFERENCE BUREAU, March 24, 1911.

DEAR SIR,—Your communication of March 15, addressed to the Attorney General of the State of Pennsylvania has been referred to this department for answer.

We have taken the matter up and enclose you bibliography of publications in regard to trust and anti-trust legislation in the United States, and also articles concerning trusts in Pennsylvania, to which we have reference in this department. The articles themselves, of course, we cannot take from our shelves, and to copy them would require an immense amount of labour, but from the enclosed bibliography you can secure any of the articles which you desire by getting into communication with the different authors quoted.

Hoping this information will be satisfactory,

I remain,

Very respectfully yours,

(Signed) JAMES N. MOORE,  
Director.

To the Deputy Minister of Labour,  
Ottawa, Canada.

# PUBLICATIONS *IN RE* TRUSTS AND ANTI-TRUST LEGISLATION IN THE UNITED STATES.

Twenty-second Annual Report of the Commissioner of Labour, *in re* Labour Laws of the United States.

Government Printing Office, Washington, D.C.

House Documents, vol. 93. No. 476, Part 1.

Industrial Commission Reports, vol. 1.

Trusts (Preliminary Report).

56th Congress, 1st Session, 1899-1900.

Government Printing Office, Washington, D.C.

House Documents, vol. 76. No. 182.

Industrial Commission Reports, vol. 13.

Trusts and Industrial Combinations (Second Report).

57th Congress, 1st Session, 1901-1902.

Government Printing Office, Washington, D.C.

The Trusts:

What can we do with them?

What can they do for us?

1900. Baker & Taylor Co., N.Y.

Trusts of To-day:—Montague.

Facts relating to their promotion, financial management, and the attempts at State control.

1904. McClure, Phillips & Co., N.Y.

Proceedings of the National Conference on Trusts and Combinations. Under the Auspices of the National Civic Federation. Held at Chicago, October 22-25, 1907.

1908. National Civic Federation, N.Y.



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History of The Sherman Law of The United States of America. Walker.  
1910. The Equity Press, N.Y.

## ARTICLES CONCERNING TRUSTS IN PENNSYLVANIA.

Brandt, M. von.—Der Ausstand der pennsylvanischen Gruben-Arbeiter und die Trustfrage in der Vereinigten Staaten.

Deutsche Rundschau, 29, Jahrgang (Jan., 1903), p. 131-143.

'Jefferson, &c.,' a series of essays originally appeared in the *American Sentinel*, published at Philadelphia & is respectfully adressed to the Legislature of Pennsylvania and the inhabitants of the state in general.

Phil., 1834.

Pennsylvania—Senate—Document. No. 39.

Report of the committee on the judiciary (general) of the Senate of Pennsylvania in relation to the coal difficulties, with accompanying testimony.

Read Mar. 24, 1871, (in Pennsylvania Legislative documents, 1871, pp. 1515-1733. Harrisbrug, 1871).

U.S.—50th Congress, 2nd Sess.—House Report. No. 4147.

Investigation of labour troubles in Pennsylvania. Report from the select committee on existing labour troubles in Pennsylvania. Feb. 27, 1889. 783 pp. C.

Includes views of the minority of the committee.

## LIST OF BOOKS WITH REFERENCES TO PERIODICALS RELATING TO TRUSTS.

SUPPLEMENTING THE LIST PUBLISHED BY THE LIBRARY OF CONGRESS—1907.

For said list on trusts, apply to Library of Congress, Washington, D.C.)

*Books.*

Bemis, E. W.—Municipal Monopolies; a collection of papers, by American economists and specialists. c. 1899. (Library of Economics and Politics.)

Brooks, John Graham.—Conflict between Private Monopoly and Good Citizenship. Bost., 1909.

Cooke, F. H.—Law of Combinations, Monopolies, and Labour Unions. Ed. 2. 1909.

Day, J. R.—Raid on Prosperity. 1907

Gibbons, John.—Tenure and Toil. 1888.

Lewson, John.—Monopoly and Trade; restraint cases, including conspiracy injunctions quo warranto, pleadings and practice and evidence. 1908.

McCable, J. D.—History of the Grange Movement; or The Farmers' War Against Monopolies. c. 1873.

National Conference on Trusts and Combinations. Proceedings. 1907. 1908.

Peters, John P.—Labour and Capital. N.Y. 1902.

Price, W. H.—English Patents of Monopoly. N.Y. 1906.

Roosevelt, Theodore. Roosevelt policy; speeches, letters, etc. N.Y. 1908.

Sexton, J. L.—White Slaves of Monopolies. 1884.

Walker, A. H.—History of Sherman Law of the United States of America. N.Y. 1910.

Wiley, F. D.—Education, State Socialism and the Trusts. c. 1900.

Michigan.—Legislative Reference Bureau. Trusts and combinations prohibited; constitutional provisions of the several states compared with the Michigan provisions. (in its Private corporations, 1907, p. 34.)

1900.—List of Anti-Trust Laws. (See Collier, W. M. The Trusts, 1900, App. D. p. 337-338.)

1904.—History of Anti-Trust Legislation. (In Montague, G. H. Trust of to-day, 1904, p. 128-161.)



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- 1904.—History of different Trusts. (See Montague, G. H. Trusts of to-day, 1904, Index, p. 201-219.)
- 1908.—Principal Trusts in the United States. (In World's Almanac, 1908, p. 306, 312.)
- Gives name of Trust; when organized; where organized; Location of main office; Present capitalization with rates of interest and dividends.
- 1910.—Decisions, opinions and speeches, concerning the Sherman Law. (In Walker, A. H. History of the Sherman Law, 1910, p. 313-320.)
- 1911.—Prosecution of trusts in the United States. List of cases. (in World's Almanac, 1911, p. 161.)

*Magazine Articles.*

- 1907.—Case of monopolies; Some of its results and suggestions. (A review of the cases from the sixteenth century.) Miller, Sidney T. Michigan Law Review, v. pp. 1-24. Nov., 1907
- 1907.—Contracts in restraint of trade. Hoyles, N. W. Canada Law Times, v. 27, Oct., 1907, p. 673-687
- 1907.—Labour Unions as monopolies imposing illegal restraints upon trade and commerce. Central Law Journal, v. 65, p. 261-262. Oct., 1907.
- 1907.—Liability of trusts for private wrongs. Holland, W. M. Chicago Legal News, v. 40, p. 96. Nov., 1907
- 1907.—National civic federation. (Resolutions recommending legislation (1) permitting agreements between railroads on reasonable rates: (2) providing for a commission which shall consider the subject of business and industrial combinations; (3) requiring publicity of capitalization, accounts, operations, etc., of corporations large enough to have monopolistic influences.) Chicago Legal News, v. 40, p. 87. Oct. 1907.
- 1907.—Present status of the Northern Securities decision. Brown, David Walter. Columbia Law Review, v. 7, p. 582-588. Dec. 1907.
- 1907.—The Standard Oil fine. Wilgus, H. M. Michigan Law Review, v. 6, p. 118-135. Dec. 1907.
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- 1907.—What should be the ideals and the structure of the new corporation? Grosscup, Peter, S. Chicago Legal News, v. 40, p. 120-121. Nov. 1907.
- 1908.—Amendment of the Sherman Anti-trust Law. Marburg, Theodore. Annals of the American Academy of Political and Social Science, v. 31, p. 34-42. May, 1908.
- 1908.—Anti-trust Act, and the Boycott. Legal Intelligencer, v. 65, p. 88, Feb. 7, 1908.
- 1908.—Anti-trust Law as applied to Labour Cases. University of Pennsylvania Law Review, v. 56, p. 339-341. May, 1908.
- 1908.—Boycott as Combination in restraint of Trade under the Anti-trust Act. Yale Law Journal, v. 17, p. 616-618. June, 1908.
- 1908.—Boycotting Inter-state Commerce. Case and Comment, v. 14, p. 154-155, Apr., 1908.
- 1908.—Case of Bigelow v. Calumet and Hecla Mining Company *et al.* Reviewed by B. H. Michigan Law Review, v. 6, p. 480-487. Apr., 1908.
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- 1908.—Competition against Combination. *Law Notes*, v. 12, p. 161-162. Dec., 1908.
- 1908.—Constitution and our Currency. From *Bankers' Monthly*. Milliken, R. C. *National Corporation Reporter*, v. 36, p. 909. Aug. 13, 1908.
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- 1908.—Development of the Doctrine of unfair Competition. *Trade Mark Record*, v. 33, p. 43-44. Dec., 1908.
- 1908.—Exclusive Agencies under Anti-trust Laws. *National Corporation Reporter*, v. 36, p. 22-23. Feb. 20, 1908.
- 1908.—Federal Anti-trust Act and Minority holdings of the Shares of Railroads by competing Companies. Todd, G. C. *Harvard Law Review*, v. 22, p. 114-128. Dec., 1908.
- 1908.—Freedom of Trade. Ross, B. A. *Commonwealth Law Review*, v. 5, p. 241-246. Jul.-Aug., 1908.
- 1908.—Government's Relation to Corporate Construction and Management. Grosscup, P. S. *Annals of the American Academy of Political and Social Science*, v. 31, p. 3-49. July, 1908.
- 1908.—Government of the Living by the Dead. (Address to graduating class of John Marshall Law School, June 18, 1908; disadvantage of sec. 10, art. 1, of the U.S. constitution in its effect on exclusive grants of privileges and franchises.) Stubbins, Louis A. *Chicago Legal News*, v. 40, p. 367-368. June 27, 1908.
- 1908.—Loss of the Judiciary Principle. Page, Thomas Nelson. *American Lawyer*, v. 16, p. 247-254; 302-308. May-June, 1908.
- 1908.—Machinery of an Industrial Monopoly. *Law Notes*, v. 12, p. 162-163. Dec., 1908.
- 1908.—Monopolies and Combinations. (Note to decision on misuse of corporate power.) *National Corporation Reporter*, v. 36, p. 809-810. July 23, 1908.
- 1908.—Monopolies of Old and New. (Comment on Sydney T. Miller's article in Nov., 1907, *Michigan Law Review*.) *National Corporation Reporter*, v. 35, p. 741-42. Jan. 23, 1908.
- 1908.—No Combination without Regulation. Williams, T. *Annals of the American Academy of Political and Social Science*, v. 31, p. 240-258. July, 1908.
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- 1908.—The Sherman Anti-trust Law and the proposed Amendment thereto. (Requiring the corporations or individuals desiring the benefits of the Act to be registered with the Bureau of Corporations and make certain reports thereto.) Littlefield, Charles E. *Green Bag*, v. 20, p. 587-610. Dec., 1908.
- 1908.—Sherman Anti-trust Law and the proposed Amendments thereto. (The scope and purpose of the law.) Littlefield, Charles E. *Chicago Legal News*, v. 40, p. 373-376; 378-379; July 4, 1908.
- 1908.—So-called Trusts or Big Corporations. Grosscup, P. S., *The Brief*, v. 8, p. 129-145. Nov., 1908.



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- 1908.—Trusts in Germany. *National Corporation Reporter*, v. 36, p. 445. May 7, 1908.
- 1909.—American Tobacco Company and the Sherman Law. *Virginia Law Register*, v. 14, p. 718-719. Jan., 1909. *Harvard Law Review*, v. 22, p. 216-217. Jan., 1909.
- 1909.—Attorney-General Wickersham's policy. *Case and Comment*, v. 16, p. 2-3. June, 1909.
- 1909.—Battle of the Trusts. *Law Times*, v. 127, p. 525-526. Oct. 2, 1909.
- 1909.—A big oil fine actually paid. (On the Texas prosecution of the Waters-Pierce Oil Co.) *National Corporation Reporter*, v. 38, p. 491. May 20, 1909.
- 1909.—Business Men and the Law. Some suggestions as to amending the Sherman Anti-Trust Act. Wade, W. H. *Ohio Law Bulletin*, v. 54, p. 181-184. May 17, 1909.
- 1909.—Business Man and the Law. Suggestions as to amending Sherman Anti-Trust Act. Ellis, W. H. *Ohio Law Reporter*, v. 7, p. 66-74. May 24, 1909. *Chicago Legal News*, v. 41, p. 425-426. July 31, 1909.
- 1909.—Can a corporation whose organization violates the inhibitions of the Sherman Act enforce its contracts? Robbins, A. H. *Central Law Journal*, v. 68, p. 281-282. Apr. 16, 1909. *National Corporation Reporter*, v. 38, p. 562-563. June 3, 1909.
- 1909.—Coal road or commodities case. *Case and Comment*, v. 16, p. 31-32. July, 1909.
- 1909.—Combination among physicians to fix prices for professional services. Hutchins, H. B. *Michigan Law Review*, v. 7, p. 237-239. Jan., 1909.
- 1909.—Combination to fix wages and fees restraint of trade. Collier N. C. *Central Law Journal*, v. 68, p. 236-237. Mar. 26, 1909.
- 1909.—Connection of independent telephone companies. *Harvard Law Review*, v. 23, p. 54-56. Nov., 1909.
- 1909.—Contracts with monopolies and *pari delictum*. *Columbia Law Review*, v. 9, p. 343-345. April, 1909.
- 1909.—Defects of the Sherman Anti-Trust Law. Montague, G. H. *Yale Law Journal*, v. 19, p. 88, 109. Dec., 1909.
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- 1909.—Federal Anti-trust Legislation and President Taft's proposed amendments. Evans, L. *Illinois Law Review*, v. 4, p. 1-10. May, 1909.
- 1909.—Forfeiture of corporate privilege by combination. *University of Pennsylvania Law Review*, v. 57, p. 648-650. June, 1909.
- 1909.—How the Standard Oil verdict is received. *National Corporation Reporter*, v. 39, p. 614. Dec. 23, 1909.
- 1909.—How to control the trusts with justice to the people without destroying property. Royall, W. L. *Central Law Journal*, v. 69, p. 238-248. Oct. 1, 1909.
- 1909.—Is a large corporation an illegal combination or monopoly under the Sherman Anti-Trust Act? *Columbia Law Review*, v. 9, p. 95-115. Feb., 1909.
- 1909.—Is the American Medical Association an unlawful combination? Robbins, A. H. *Central Law Journal*, v. 68, p. 189-190. Mar. 12, 1909.
- 1909.—Monopolies and combinations against public policy. McCoy, W. L. *University of Pennsylvania Law Review*, v. 59, p. 163-166. Dec., 1909.
- 1909.—Monopoly and restraint of trade, in federal view—doubt as to meaning of terms. Collier, N. C. *Central Law Journal*, v. 68, p. 404-410. May 28, 1909.
- 1909.—Mr. Bonaparte on federal anti-trust laws. *Law Notes*, v. 12, p. 184. Jan., 1909.



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- 1909.—Punishment of a corporation—the Standard Oil case. Little, C. G. *Illinois Law Review*, p. 446-453, v. 3. Feb., 1909.
- 1909.—Recovery of goods sold by an illegal combination. *Harvard Law Review*, v. 22, p. 435-438. April, 1909.
- 1909.—Right to recover on a monopolistic contract. *University of Pennsylvania Law Review*, v. 57, p. 459-463. April, 1909.
- 1909.—Sherman Act. An unenforceable statute. *Law Notes*, v. 13, p. 61-62. July, 1909.
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- 1909.—Shipping rings. (England.) *Solicitor's Journal and Weekly Reporter*, v. 53, p. 570-571. June 12, 1902.
- 1909.—Should the Anti-Trust Act be amended? Morawetz, V. *Harvard Law Review*, v. 22, p. 492-500. May, 1909.
- 1909.—Some reflections about the opinion and decision in the Standard Oil case. *Central Law Journal*, v. 69, p. 459-460. Dec. 24, 1909.
- 1909.—Trusts. (Provisions of a bill to suppress 'pools, trusts and combinations in trade.' Introduced in Congress, Dec. 9, 1908. *American Political Science Review*, v. 3, p. 85-86. Feb., 1909.
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- 1910.—Adequacy of Remedies against Monopoly under State Law. Cooke, F. H. *Yale Law Journal*, v. 19, p. 356-360. Mar., 1910.
- 1910.—Changes in the Sherman Law. *Law Notes*, v. 13, p. 202. Feb., 1910.
- 1910.—Country and the Trusts. *Nation*, v. 90, p. 154. Feb. 17, 1910.
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- 1910.—How the Railroad Works with the Trust. Keys, C. M. *World's Work*, v. 21, p. 13680-8. Nov., 1910.
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- 1910.—Pooling Agreements among Stockholders. Rogers, W. P. *Yale Law Journal*, v. 19, p. 345-355. Mar., 1910.
- 1910.—President Taft and the Trusts. *National Corporation Reporter*, v. 39, p. 770. Jan. 27, 1910.
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- 1910.—Railroads and Trusts. *Independent*, v. 68, p. 104-5. Jan. 13, 1910.
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